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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

THIRD APPELLATE DISTRICT

(Sacramento)

In re A.C., a Person Coming Under the Juvenile Court Law.	C084774
THE PEOPLE, Plaintiff and Respondent, v. A.C., Defendant and Appellant.	(Super. Ct. No. JV136457)

Minor A.C., then a dependent of the court, came under the jurisdiction of the delinquency court in 2014 after he admitted committing robbery in an inhabited dwelling, while acting in concert. What followed was a series of probation violations and placement failures at both Level A and Level B facilities caused by the minor's problematic behavior and repeated absconding, ultimately culminating in the juvenile court's disposition order committing him to the Department of Corrections and

Rehabilitation, Division of Juvenile Facilities (the division). (Welf. & Inst. Code, § 731.)[1]

The minor appeals, arguing substantial evidence does not support the juvenile court's probable benefit finding. (§§ 734, 800.) We affirm the juvenile court's disposition committing the minor to the division.

FACTUAL AND PROCEDURAL BACKGROUND

The People filed a section 602 wardship petition against the minor on August 4, 2014, alleging the minor committed robbery of an inhabited dwelling, while acting in concert (Pen. Code, §§ 212.5, 213, subd. (a)(1)(A)—count one) and robbery (Pen. Code, § 211—count two). Following a section 241.1 assessment, the juvenile court determined the "[d]elinquency [court] will best serve the interests of the minor and the protection of society"; thereafter, the minor pleaded guilty to count one and was made a section 602 ward of the court. He was then 14 years old.

Although the minor was approved for a Level A placement, he was released to his mother on home electronic monitoring and absconded within days. He was taken back into custody and placed at the Sacramento Assessment and Treatment Center for a placement assessment, but he ran away within a month. The minor was then placed at the Rancho San Antonio Boys Home (a Level A facility) where he lived for a few months before the program terminated him for "incorrigible behavior and poor adjustment." He was then placed at the Mile High Group Home and ran away approximately six weeks later.

The minor's first out-of-state Level B placement was to Summit Academy in August 2015, where he lasted until January 2016 when he was terminated for "repetitious

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[1] Undesignated statutory references are to the Welfare and Institutions Code.

acts of misconduct and poor adjustment to the program." Notably, his discharge summary concluded, "[The minor] has continued to be a safety risk due to going out of area and attempting to abscond from the building. [The minor] can do well for short periods but always reverts to taking flight when he doesn't get his way. . . . A more secure environment would be appropriate given [his] continual AWOL attempts." The minor was then placed at Clarinda Academy in April 2016, but ran away in July. He was returned to the facility and attempted to set fire to the dorm during an escape attempt the next day, resulting in his termination. His last Level B placement was to Lakeside Academy in November 2016, which was terminated in January 2017 because the minor left the premises without staff permission and engaged in two separate assaults of staff members, one of which required a hospital visit.

According to the January 31, 2017 probation report recommending the minor be committed to the division: "As of this date, the minor has been placed at two Level 'A' and three Level 'B' placements without success. The minor was terminated from all five placements due to unsatisfactory behavior. In addition, in all three Level 'B' placements terminations incidents involving physical altercations with staff and peers were cited." The probation officer spoke directly with a division intake worker who advised "the minor would be classified as a Category V offense, based on his charges. If he were committed to [the division], he would be discharged 18 months from the date of acceptance and his jurisdiction would expire at the age of 23 years. Upon his intake process, he would be placed in a unit with full-time academics. While at [the division] the minor would attend anger management and alcohol/drug counseling."

On March 23, 2017, the People filed a petition to commit the minor to the division, documenting the minor's significant behavioral problems at his failed placements and his high risk to reoffend. It argued the minor "has been given every opportunity to be successful at Level A and Level B group homes but continues to

commit acts of violence, AWOL, and damage property. At this point, it is imperative that the court commit him to [the division] for protection of society and in order to ensure that [the minor] will get the counseling and therapy he needs."

The minor opposed the petition, arguing the system set the minor up for failure when it initially returned him home at age 14 without first setting up services and that the division is not rehabilitative and would only make his behaviors worse. He requested a 120-day commitment to juvenile hall and release to his mother supported by services.

In response, the People argued placement with the minor's mother would be inappropriate and the division "offers one of the most comprehensive counseling and therapy programs available to youth." The People offered a declaration from the prosecutor relaying information from an interview with a division parole agent regarding the programming available for an individual with the minor's background, including his criminal record and history of substance abuse, violence, and gang affiliation. It stated the minor would be considered a " 'Category 4' " offender, eligible for discharge after two years and with jurisdiction to expire at age 23. There were many treatment and educational services available to an individual with the minor's background, and the minor would be assessed at intake in the areas of "psychosocial, psychological, education, medical, dental, and the California Youth Assessment Screening Instrument . . . to determine his strengths and high risk areas." After assessment, the minor would be placed in the identified programs. The educational and therapeutic services at the division include "victim awareness/impact programming, aggression interruption training, gang intervention programming, substance abuse counseling and educational services to assist minors in obtaining their high school diploma/GED, vocational training and/or college units." Specific programs identified to address the minor's offenses were: "Aggression Interruption Training to help youth improve social skill competence, anger control and moral reasoning; Counseling regarding gangs; Counseling Against Peer

Influence ‘Counterpoint’ to address anti-social attitudes and negative peer influences.” The minor would receive an individualized treatment plan that could be adjusted as needed. Further, the division offers services for transitioning a youth out of the division, including family counseling.

The juvenile court considered the materials presented and the arguments of counsel and thereafter ordered the minor committed to the division with a maximum term of confinement of nine years. In so doing, the court highlighted the minor’s unsatisfactory behavior at his previous placements and repeated placement failures, including that there were at least nine physical altercations that could have been independent charges against him. The minor timely appealed.

DISCUSSION

The minor argues substantial evidence does not support the juvenile court’s probable benefit finding. We disagree.

“ ‘The appellate court reviews a commitment decision for abuse of discretion, indulging all reasonable inferences to support the juvenile court’s decision.’ [Citation.] ‘A [division] commitment is not an abuse of discretion where the evidence demonstrates a probable benefit to the minor from the commitment and less restrictive alternatives would be ineffective or inappropriate.’ [Citation.] ‘Although the [division] is normally a placement of last resort, there is no absolute rule that a [division] commitment cannot be ordered unless less restrictive placements have been attempted.’ [Citation.] [¶] We examine the evidence in light of the purposes of the juvenile court law. (*In re Michael R.* (1977) 73 Cal.App.3d 327, 333; *In re Carlos E.* (2005) 127 Cal.App.4th 1529, 1542 [purposes of the juvenile system include ‘the protection of the public as well as the rehabilitation of the minor’].)” (*In re A.R.* (2018) 24 Cal.App.5th 1076, 1080-1081.)

The minor complains that "[a]lthough [his] placement failures were set forth in excruciating detail at the dispositional hearing, neither probation nor the prosecution set forth substantial evidence regarding what programs and treatments [the minor] needed in order to be successful in his rehabilitation, and how commitment to the [division] would provide 'probable benefit' in meeting those needs." Relying heavily on *In re Carlos J.* (2018) 22 Cal.App.5th 1, the minor complains about the lack of specificity concerning the identification and availability of both therapeutic and educational programs from which he would benefit. A finding of probable benefit does not require the requested level of specificity. (*In re Jonathan T.* (2008) 166 Cal.App.4th 474, 486 ["There is no requirement that the court find exactly how a minor will benefit from being committed to [the division]."].)

Unlike the minor in *In re Carlos J.*, *supra*, 22 Cal.App.5th at pages 10 through 12, who was committed to the division without the identification of *any* programs the division offered, here, the probation department and the People provided information concerning the programs available to treat the minor. The probation department anticipated the minor's placement "in a unit with full-time academics" and that he would "attend anger management and alcohol/drug counseling." The prosecutor's declaration in support of commitment identified educational and therapeutic services at the division as including "victim awareness/impact programming, aggression interruption training, gang intervention programming, substance abuse counseling and educational services to assist minors in obtaining their high school diploma/GED, vocational training and/or college units." While there would be an extensive assessment process, individuals with the minor's offenses would be anticipated to participate in "Aggression Interruption Training to help youth improve social skill competence, anger control and moral reasoning; Counseling regarding gangs; Counseling Against Peer Influence 'Counterpoint' to

address anti-social attitudes and negative peer influences." The minor would receive an individualized treatment plan that could be adjusted as needed.

This evidence of programs available to the minor at the division, when combined with the minor's repeated history of absconding from his numerous previous placements, supports an inference that a division commitment would eliminate the minor's crutch of running away rather than facing his problems; a need identified in his discharge paperwork from the Summit Academy program, which was by far the minor's longest placement. This is substantial evidence supporting the juvenile court's determination that the minor would probably benefit from that closed setting commitment. (*In re Jonathan T., supra*, 166 Cal.App.4th at pp. 485-486 [minor needed a closed setting for treatment based upon history of running away and violent past].)

DISPOSITION

The juvenile court's disposition committing the minor to the division is affirmed.

BUTZ, Acting P. J.

We concur:

MAURO, J.

DUARTE, J.